

REMARKS

In the outstanding office action, claims 1-16 were presented for examination. Applicant notes with appreciation the allowance of claims 6-10. The drawings were objected to under 37 CFR 1.84(p)(5). Claims 15 and 16 were rejected under 35 U.S.C. §112. Claims 1, 2, and 11-14 were rejected under 35 U.S.C. §102(e) in view of United States Patent No. 6,852,216 issued to Moscaritolo et al. Claim 11 was also rejected under 35 U.S.C. §102(b) in view of United States Patent No. 3,216,471 issued to Whiting et al. Claims 3-5 were rejected under 35 U.S.C. §103(a) as being unpatentable over Moscaritolo et al.

Claims 14, 15, and 16 have been canceled thereby rendering the rejections with regard to the same as being moot.

Concerning the objections to the drawings, applicant has amended the drawings in accordance with the guidelines provided in the outstanding office action. More specifically, in Figure 1, the general fuel filter assembly has been labeled with reference numeral “10”, the two-part housing has been labeled with reference number “12”, the outlet feed tube located centrally on the base has been labeled with reference numeral “33”, the restriction sensor probe has been labeled with reference numeral “29”, the display face of the restriction sensor has been labeled with reference numeral “26”, the indicator needle attached to the display face of the restriction sensor has been labeled with reference numeral “28”, and the first pressure sensor located on the tip of the probe has been labeled with reference numeral “56.” In Figure 3, the integral dependant boss extending downward from the housing cover has been labeled with reference number “25”, the chamber between the housing cover and the filter element has been labeled with reference numeral “35”, the internal pressure sensor has been labeled with reference numeral “125.” In addition, applicant has corrected other errors concerning reference numerals in the drawings. No new matter has been added. Therefore, applicant respectfully requests withdrawal of the drawing objections.

Referring now to claim 1, the same has been amended to include the limitation of “a filter element … having a raised collar with an opening formed therethrough; and a restriction sensor, comprising: a probe for insertion into said the raised collar”. Applicant respectfully submits that this limitation is clearly not shown, disclosed or taught by the Moscaritolo et al. reference. Support for this amendment is clearly found in the application as filed thus no new matter has been added.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, “[t]he identical invention must be shown in as complete detail as is contained in the * * * claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Bariant, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988).

Accordingly, applicant respectfully submits that claim 1 is allowable over the Moscaritolo et al. reference as the same fails to teach or disclose a filter assembly as now claimed. Referring to Moscaritolo et al., the reference is directed to a mechanism that is configured to indicate an out-of-range condition. Moscaritolo et al., however, does not provide any teaching of a sensor “a filter element … having a raised collar with an opening formed therethrough; and a restriction sensor, comprising: a probe for insertion into said the raised collar”. Accordingly, claim 1 is believed to be allowable over Moscaritolo et al.

Claims 2-5 depend either directly or indirectly from claim 1. Therefore,

claims 2-5 are also believed to be in a condition for allowance for at least the same reasons as claim 1 in addition to including additional limitations.

Turning now to claim 11, the same has been amended to include the additional limitation of “wherein the filter element has an end cap with a raised collar having an opening formed therethrough”. Applicant respectfully submits that this limitation is clearly not shown, disclosed or taught by the Moscaritolo et al. reference or by the Whiting et al. reference. Support for this amendment is clearly found in the specification and drawings of the present application thus no new matter has been added. Accordingly, applicant submits that claim 11 is allowable over the Moscaritolo et al. and Whiting et al. references.

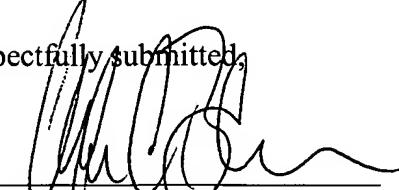
Claims 12-13 depend either directly or indirectly from claim 11. Accordingly, claims 12-13 are also believed to be in a condition for allowance for at least the same reasons as claim 11 in addition to including additional limitations.

New claims 17-24 have been added to more particularly point out various aspects of the present application. Support for new claims 17-24 is found in the specification and drawings as filed thus, no new matter has been added.

In view of the above amendments and the discussion relating thereto, it is respectfully submitted that the present application is in condition for allowance. Such action is most earnestly solicited. If for any reason the Examiner feels that consultation with Applicant's attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below for an interview.

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130, maintained by the applicant's attorney.

Respectfully submitted,

By: 

Christopher C. Boehm

Reg. No. 41,624

Date: June 27, 2005
Telephone: (248) 524-2300
Fax: 248-524-2700

IN THE DRAWINGS

Please amend/replace Figures 1-4 with the attached drawings.